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MAKING A DIFFERENCE:
A FRAMEWORK FOR CANADA'S PROMOTION OF INTERNATIONAL HUMAN RIGHTS

December 1997

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101-00721/

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Prepared for the Office of the Minister of Foreign Affairs and The Canadian Centre for Foreign Policy Development

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Ottawa
Revised December 1997

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PART A: CONTEXT

1. Why this Policy is Needed.

Since the inception of the United Nations in 1945, Canada has a played an important and increasingly active role in the defence and promotion of human rights around the world. A Canadian, John Humphrey, co-drafted the Universal Declaration of Human Rights, which was adopted by the UN in 1948 as a *Magna Carta* for international human rights. Since then Canadians from all walks of life have made a lasting contribution to the global human rights movement, a tide that has swelled with the turn to democracy in many parts of the world.

Today, governments around the world are more challenged than ever before by voices calling for greater democracy and human rights. Defending human rights is a valuable objective in and of itself. Promoting human rights is also in our national interest to promote prosperity, project Canadian and universal values, and maintain international peace and security.

Human rights and the rule of law are key to the spread of market-based economies with secure property rights and a predictable legal framework. Human rights and the closely related agendas of popular participation, democracy and good governance are now widely seen as the essential pillars of durable development. Human rights are also key to global stability. Experience shows that international peace and security are fragile in circumstances where minorities and other marginalized communities are denied their basic human rights. The promotion and protection of human rights is one of the most effective ways to prevent conflict.

Parliament and civil society has encouraged successive governments to establish international human rights as a fundamental value of Canadian foreign policy. As a result, Canada is at the forefront of international efforts to bring to justice notorious human rights abusers, to build or strengthen national, regional and global human rights institutions, to promote international labour standards, and to critically engage repressive regimes. Canada has also pioneered programs to support national human rights institutions, to empower women and to strengthen women's rights provisions in the UN system.

From labour standards and children's rights to impunity and peacebuilding, human rights issues spill over into other dimensions of Canada's international relations, such as trade and investment, peace and security, and development cooperation. Human rights also affect the work of other national and international institutions, including business, labour, and the non-profit sector. The approaching fiftieth anniversary of the Universal Declaration of Human Rights which was adopted by the UN in 1948 presents a useful opportunity for the Government to articulate a coherent framework for Canada's human rights actions worldwide. This statement provides an architecture for Canada's human rights policy which sets out principles, objectives and an indicative list of tools and approaches for implementation. The statement develops several of the themes concerning human rights in the Government's comprehensive foreign policy statement,

Canada in the World.

2. *Promoting Canadian Values in a World of Diversity.*

Our human rights policies are firmly anchored among values that are fundamental to Canadians. These values are reflected in our democratic institutions and practices, such as the Constitution, the Charter of Rights and Fundamental Freedoms, federal and provincial human rights commissions, and in our traditions of peace, order and good government.

Core Canadian values can be simply stated. First is an attachment to the peaceful resolution of conflicts and to democratic governance that is transparent, accountable and participatory. Second is a belief in the rule of law and in legal institutions to remedy breaches of justice and to protect rights. Third is a deep commitment to voluntarism and self reliance reflected in a vibrant civil society. Fourth is a respect for diversity and difference, and a commitment to tolerance and equality. These values in our national life put into practice the principle of non-discrimination at the heart of the international human rights movement. Finally, there is a durable consensus that each pillar of Canadian society, public, private and non profit, has a legitimate and mutually supportive role to play in the promotion of our core values at home and abroad.

There is a reciprocal relationship between our domestic priorities and our promotion of international human rights. Canada does not expect other governments to respect standards that it does not apply to itself. For example, UN treaty bodies have sometimes questioned Canada's domestic human rights record, including our capacity to safeguard social rights in a climate of fiscal austerity and to protect the rights of children, women and aboriginal peoples.

The Government has taken steps to respond. For example, the Government has adopted a ***Plan for Gender Quality*** with specific commitments to advance women's access to decision-making, reduce violence, and enhance women's equality. In 1996, the Government announced a policy on the implementation of the First Nations "inherent right" to self-government. The Canadian Human Rights Act was also amended in 1996 to include sexual orientation as a prohibited ground of discrimination. The Government has also reinstated the Court Challenges program to provide financial assistance for test cases of national significance on language and equality rights under the Constitution.

The Government recognizes that its commitment to tackle child poverty at home makes credible Canada's actions on children's rights internationally. The same is true for our international work on the rights of women and aboriginal peoples. Canada accession to many international human rights instruments helps to ensure that there is a reciprocal relationship between our domestic and international actions. The federal Government provides regular reports on our domestic implementation of these human rights treaty obligations of the UN system.

In a world of cultural and political diversity, Canada seeks to expound its views through dialogue and engagement rather than the imposition of its own values or traditions. However, the

protection and full development of the individual and of communities is an intrinsic value of all societies. While each society seeks to promote its citizens' well-being with regard to national circumstances, the Government of Canada affirms the international consensus endorsed by the 1993 UN Vienna Declaration that the validity, universality and indivisibility of all human rights may not be restricted on the grounds of cultural differences or stages of development.

3. Changes in the International Environment

The passing of the Cold War has unleashed new risks and new opportunities to promote and protect human rights in a more turbulent, less predictable international environment. Four trends stand out:

- **globalization**, not only of technology, trade, capital and human resources, but also partly of values.

- **democratization** and the resurgence of civil society are trends evident from the mid-1980s.

- Closely linked to globalization, is the imperative of collective action to resolve a host of **transnational problems**, such as labour standards, complex humanitarian and human rights emergencies, refugee flows, land mines and the arms bazaar, the drug trade, disease, and environmental degradation and natural resource conflicts.

- **Fragmenting multinational states** are a fourth feature of the international environment. The spectre of ethnic hatred, brutal human rights abuses, massive refugee flows, and internal wars in failing states has reshaped the architecture of global peace and security and prompted a closer practical connection among human rights, development cooperation, and security policies. The paradigm is shifting towards human security with individuals and communities at the heart of the development agenda and closer to the centre of the security agenda.

In retrospect, the period since the end of the Cold War has proven some initial hopes to be illusory and other assessments to be wrong. Bloody conflicts in the Balkans, in the Great Lakes region of Africa, in Chechnya, and in Cambodia underline the fragility of human rights in fragmenting multiethnic states or countries emerging from authoritarian rule. The raised expectations of the ability of the UN to keep, enforce or build peace have not been fully realized. However, the UN continues to be a key resource for Canada and the international community in preventive diplomacy, early warning, and the provision of human rights advisory services.

On a more positive note, the prospects for a durable peace in Central America, the gradual reconstruction of Namibia and Mozambique, and the largely peaceful transition to democracy in South Africa are among the substantial achievements of the 1990s. Canada has played an important role in supporting each of these developments.

One of the lessons of the new international environment is that balance-of-power politics often neglect the larger forces that shape history. Today's political prisoner may be tomorrow's president. Witness Vaclav Havel and Nelson Mandela. That is why it is vital that Canada identify and support those reform-minded leaders and fledgling democratic forces working for openness and change.

In the new diplomacy of the 21st century, the stark realism of power politics will be balanced by the "soft power" of entrepreneurial flair, technical competence, consensus-building and the cooperative management of many global problems. These skills are Canada's forte. And they make Canada well positioned to thrive in the new diplomacy of the 21st century.

4. Future Challenges.

On balance, however, the goal of promoting and defending human rights worldwide remains a huge challenge, both for governments and for front-line institutions. While personal rights are balanced by social responsibilities, the universality of human rights must be safeguarded in the face of spurious claims that development can be sustained without an accompanying expansion of individual freedoms. Over the next several years, the Government will champion four key human rights agendas.

Ending Impunity. The first challenge is the question of impunity. Peace and stability in countries emerging from internal conflicts may be undermined if there is no opportunity for national reconciliation or for the victims of human rights abuses to seek redress. Without justice there can be no lasting peace. Truth and reconciliation commissions have been a feature of several countries emerging from internal conflict, notably in South Africa and in South and Central America. However, in circumstances where national jurisdictions are not effective, justice must be sought internationally for crimes against humanity. Canada is a strong supporter of the Ad Hoc Tribunals for the former Yugoslavia and for Rwanda and is committed to ensuring that these mechanisms fulfill their mandate. However, our ultimate objective is to vigorously promote the establishment of an independent, adequately resourced **international criminal court** as the key mechanism by which to bring to justice notorious human rights abusers that have evaded national jurisdictions.

Strengthening the UN Human Rights System. The second challenge is to strengthen the operational integration of human rights into other facets the UN system, notably the development and the peace and security machinery. In this regard, the Government welcomes the commitment of the UN Secretary General and the High Commissioner for Human Rights to ensure that human rights are a cross-cutting theme in all United Nations activities. In this "main streaming human rights" campaign Canada will:

- call for adequate financing for the UN's human rights activity which accounts for less than two per cent of the total UN budget;

- support efforts to streamline and enhance the effectiveness and independence of the primary UN human rights treaty bodies.

- provide additional support to the UN Centre for Human Rights, the Voluntary Fund for Technical Cooperation in the Field of Human Rights, and the office of the High Commissioner for Human Rights;

- promote the inclusion of human rights fact-finding in all UN field operations;

- ensure that the UN system develops adequate operational capacities to respond to the humanitarian needs of populations internally displaced by armed conflicts. Internally displaced populations worldwide now outnumber refugees fleeing from armed conflicts but do not fall clearly into the mandate of any of the UN Specialized Agencies;

Bridging Human Rights and Peacebuilding. A third challenge Canada faces is to ensure that a human rights dimension is added to our peace and security tools, which can range from preventive diplomacy, military and humanitarian actions in complex human emergencies, to post-conflict reconstruction and longer-term peacebuilding and transitions to democracy. The development of a Canadian **Peacebuilding Initiative** and a **human rights roster** demonstrates the Government's commitment to ensure that Canadian capacities are identified and deployed quickly and effectively in response to human rights emergencies and demands for assistance with post-conflict reconstruction.

Promoting Workers' Rights in the Global Economy. A fourth challenge is to find practical ways to ensure that internationally recognised core labour standards, including child labour, are integrated into the employment practices of private sector companies, into national legislation and monitoring, and into multilateral labour and trade forums. The Government's initiatives in this regard will be based on dialogue, persuasion and the promotion of best practices. Canada will work to reinforce the International Labour Organization (ILO) as a lead multilateral institution addressing the linkage of trade and labour standards. Canada will explore additional ways to strengthen the ILO's research and technical assistance capacity and its programs in countries seeking to implement international labour standards.

Canada will emphasize the importance of labour standards and the social dimensions of trade in the Asia-Pacific Economic Cooperation (APEC) and in the development of a Free Trade Area of the Americas (FTAA). The Government will continue to support the development and implementation of Canadian voluntary codes of conduct for domestic firms operating overseas by convening or promoting dialogues among business, labour, and non-governmental organizations.

Finally, the Government will try to ensure greater diversity among the participants of future "Team Canada" and other trade missions. Where our negotiations with the host country enable, representatives of Canadian organized labour and civic organizations will be invited to participate with business representatives in promoting greater dialogue on corporate social responsibility and

best employment practices. For example, this year's Team Canada mission to Latin American countries will include representatives of several disability non-profit organizations.

PART B: A FRAMEWORK FOR CANADIAN POLICY

1. Scope of Human Rights in Canadian Foreign Policy.

By human rights, the Government refers to the entire range of freedoms and entitlements (economic, social, civil, political and cultural), both individual and collective, embodied in the primary international human rights instruments. The Government of Canada pays particular attention to the UN International Bill of Human Rights which comprises the Universal Declaration of Human Rights and separate covenants on civil and political rights and on economic, social and cultural rights. Canada also draws on several thematic instruments, such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. The Government endorses the practical commitments outlined in the Vienna Declaration and Programme of Action of the 1993 UN World Human Rights Conference.

The international instruments emphasize that human rights are indivisible and interdependent. This means that citizens and governments should work to promote *all* human rights simultaneously. It is no accident that societies with high levels of political and personal freedoms also enjoy high levels of human development embodied in social, economic and cultural rights. By the same token, trends towards democratic transitions across the world may be set back if social and economic rights are ignored and societies fail to address the inequalities that can accompany rapid growth and the development of an open, market-based economy.

Human rights affect a wide range of Canadian foreign policy interests. These include protecting the rights of workers in a global economy, enhancing institutions to promote human rights in the UN and regional security forums, aiding the reconstruction of war-torn societies, reducing military spending and arms sales, reforming state institutions, and strengthening civil society organizations.

Human rights are also central to the promotion of democracy, sustainable development, and good governance. International human rights instruments recognize not only representative democracy in political institutions, but participatory democracy in civil society as well. Moreover, a predictable, rule-based legal system which sustains freedom of information, expression, assembly and association not only safeguards democracy, but is also the cornerstone of a stable commercial environment with secure property rights. Property rights, which are fundamental to market-led development, are more secure in democratic systems that respect human rights than in authoritarian systems which restrict human freedom.

Canada's human rights policies promote good governance which is the responsible use of political authority to manage a nation's affairs. The governance arena consists of the institutions, processes and traditions which determine how power is exercised, how decisions are taken, and

how citizens have their say. By our support to civil society organizations and to the reform of state institutions, Canada attempts to bolster a democratic culture within the machinery of government; one which respects human rights and is transparent, responsive and accountable to society at large.

2. *Principles of Canadian International Human Rights Policy*

Several fundamental principles shape Canadian policies to promote and protect human rights in the world. These principles include ensuring that:

- Human rights are an important consideration in our relations with all countries, regardless of their size and strength.

- Progress towards respect for fundamental human rights and political freedoms is a central consideration in normalizing Canada's relations with regimes and states that abuse the rights of their citizens. Human rights are a "threshold issue" in any relationship we have, whatever its other aspects, from the moment we enter into that relationship.

- Canada's actions reflect and reinforce core Canadian values, such as respect for diversity, tolerance, and equality.

- Canada's international priorities are consistent with domestic public policy priorities, such as the rights of women, indigenous peoples and children. Our international actions will be credible if they are matched by equal Government priority in our domestic public policies.

- Canada's human rights policies and programs attempt to give priority to marginalized and disadvantaged groups and communities.

- Canada's international standard-setting is matched by domestic ratification of the relevant international instruments.

- Canadian organizations are utilized and their capacities enhanced as a vehicle to strengthen people-to-people linkages, project Canadian values and know-how, and deepen a commitment to global citizenship.

- the task of promoting human rights is the concern of all Canadians. The Government will consult and collaborate with Canadian institutions and with Parliament to design, implement and monitor our human rights policies and programs.

The Government of Canada reaffirms the sovereignty of nation states as a constitutive principle of international relations. However, the concept of sovereignty has become more porous. It confers duties as well as rights. At a minimum, leaders are obliged to respect the physical security of all

citizens. Sovereignty is not sacrosanct and is abused when it seeks to shield gross human rights violations. Canada and the international community, therefore, has a duty to act for the relief of human suffering.

3. Goals and Objectives of Canadian Human Rights Policy

The primary goal of the Government of Canada is to help reduce the wide gap that sometimes exists between the formal adherence of States to international human rights agreements and the actual practice of those States and of the international community.

In transforming Canada's human rights principles into practice, the Government is guided by three key considerations. First, the objectives of **effective influence** and **durable improvements** are central to the development of concrete actions to defend and promote human rights. Second, Canada must be realistic in its assessment of what can and cannot be achieved on particular human rights issues. We must be practical about the best means to realize our human rights goals. Canada's policies must also be based on a clear analysis of how our human rights objectives fit with our interests to maintain security and enhance prosperity. Third, **dialogue and engagement** rather than isolation generally represent the most useful avenues for influencing other governments and advancing respect for human rights.

In the application of these goals, objectives and practical considerations, the Government must balance two realities. The first is to respond to rapidly unfolding and unpredictable human rights emergencies that require urgent action in the face of uncertain outcomes. A second verity is that the development of a global human rights culture and supporting institutions is slow to achieve, prone to reversals, and requires sustained action on several fronts to demonstrate durable results.

There is no automatic relationship between the severity of human rights abuses and the international community's capacity to combat them. Nevertheless, there are situations of serious abuses where immediate improvement is not the only consideration and where Canada must speak out on the basis of its values and traditions. Canadians can work towards achieving something worthwhile in almost any human rights situation.

PART C PROMOTING A MULTILATERAL HUMAN RIGHTS REGIME

A central challenge facing policy makers is how to make *respect* for human rights as widespread and compelling as *belief* in them. There has been a steady expansion of human rights standards at the UN and in Specialized Agencies, such as the ILO. A new challenge is to enhance the practical linkages between human rights and global economic relations, and between human rights and international peace and security. But while lawmaking continues, the focus is shifting from standard setting to monitoring and implementation. Effective, adequately resourced multilateral human rights institutions are key to improved monitoring and implementation.

1. Promoting Human Rights and Labour Standards in the Global Economy

Canada is a trading nation. About one in four Canadian jobs are linked to trade. Exports account for well over a third of our domestic product. The world has never been smaller for Canadian firms seeking new markets and trading and investing worldwide.

It is now commonplace to speak of the effects of globalization. The liberalization of trade and investment has gathered global momentum and presents new opportunities for the exchange of ideas, information, technology and goods and services throughout the world. In the long-term, globalization has the potential to raise workers' incomes and improve work conditions. It will also foster new ideas, practices and values and thus create enabling conditions that can lead to greater political pluralism and respect for human rights. Equally, however, rapid changes in the global economy can lead to unbalanced development between and within nations marked by social dislocation, income disparities, the exploitation of workers and the natural environment.

One of the most complex global issues is the linkage of trade and human rights, particularly labour standards. The Government endorses the growing consensus that the core labour standards are human rights. These core labour standards are based on the ILO Conventions on Freedom of Association, the Right to Organize and Bargain Collectively, Freedom From Forced Labour, Freedom from Discrimination, and Freedom from Child Labour in its worst forms.

In reality, both trade and human rights can serve the same purpose of improving the well-being of individuals and communities. Ultimately, globalization's effect on human rights will depend on how the process is managed. Governments, business, organized labour, international institutions, and citizens all have a role to play. The Government will continue to encourage problem-solving dialogue among these stakeholders to ensure that the social dimensions of global trade are addressed by strengthened international norms, standards and institutions, by voluntary codes of Canadian business conduct, and by independent reviews of the human rights impact of government-subsidized support to private sector activity.

There is considerable complementarity between the resolution of labour and human rights concerns and the effective functioning of the multilateral trading system. Free trade unions are likely to have positive effects on efficiency and equity when they operate in competitive market environments and with labour laws that protect the right of the individual to join trade unions of their own choosing. It is unacceptable to deny workers' rights in order to achieve growth of incomes.

Recent work Canada supported at the OECD examined the status of freedom of association in over 70 countries. The findings suggest that the economic performance or competitiveness of developing countries is not adversely affected by improved enforcement of core labour standards. The findings also indicate a positive relationship between successfully sustained trade reforms and improvements in labour standards.

Multilateral trading arrangements such as the World Trade Organization (WTO) or economic forums such as the Asia-Pacific Economic Cooperation (APEC) may not maintain popular support for an open trading system if governments fail to respond to concerns about the effects of global trade liberalization on social and humanitarian goals. The promise of cheaper consumer goods cannot be achieved at the cost of social injustice or environmental degradation.

The Government of Canada regards the objectives of trade and improved labour standards as consistent and mutually reinforcing. However, ensuring compliance through trade sanctions in multilateral agreements is both inappropriate and ineffective.

While trade ministers at Singapore rejected labour standards as a work item for the WTO, the Singapore Declaration endorsed the goal of observing core labour standards, pointed to the ILO as the appropriate institution to make this happen, and endorsed increased collaboration between the WTO and ILO on this issue. To ensure that WTO members remain apprised of the importance of safeguarding labour standards, Canada will call for regular reports on the progress of discussions on core labour standards between the Secretary General of the WTO and the Director General of the ILO, and officials of both institutions.

Canada will work to enhance the effectiveness of the ILO as a lead multilateral institution to address labour standards in the global economy. The ILO has several advantages in this regard. First, its tripartite structure of governments, workers and employer groups has enabled the development of a problem-solving approach based on dialogue rather than coercion. Second, the ILO is the only multilateral forum in which standards, supervisory mechanisms and jurisprudence exist to provide benchmarks to measure national progress. Third, the ILO debate on labour standards is increasingly cast as a human rights issue rather than as a component of fair trade practices. This has strengthened the ILO through work that is underway to develop a draft Declaration on core labour standards for consideration and possible adoption by June 1998. Canada actively endorses the proposed Declaration, as well as negotiations on a new ILO child labour convention, efforts to achieve universal ratification of its other core labour conventions and to reform international labour standards settings procedures.

To ensure coherence between our foreign policy and domestic practice the federal government will also work with the provinces towards the goal of ratifying ILO Conventions on the Right to Organize and Bargain Collectively, Prohibition of Forced Labour, and Health and Safety. The Government has provided funds enabling Canadian companies to develop voluntary codes of conduct on child labour. Canada has also supported work at the ILO to identify best national practices regarding child labour standards. The Government will continue to facilitate dialogue among Canadian business, organized labour, and civil society organizations regarding the development of a comprehensive voluntary model of conduct based on core international labour standards and with adequate implementation and monitoring mechanisms.

2. *Promotion of Multilateral Implementation Mechanisms*

The Government invests considerable effort to ensure the effective functioning of the primary UN human rights mechanisms and processes. These include the Geneva-based Commission on Human Rights, the Third Committee of the UN General Assembly and the six primary human rights treaty bodies. In addition, Canada supports the Office of the High Commissioner of Human Rights and the UN Centre for Human Rights. These institutions help to translate the UN's human rights commitments into practice by providing technical assistance and adequate resources to enable the effective functioning of the treaty bodies.

Human Rights Treaty Bodies. The United Nations human rights machinery is a primary focus of Canadian efforts to build international consensus and action on pressing human rights problems. An effective framework of multilateral human rights institutions is one of the best ways to embed human rights practices worldwide. Since virtually all countries are members of the United Nations, building consensus at this level makes it more likely that governments will cooperate with institutions that are perceived as legitimate because they are in a real sense owned by all UN member countries. Monitoring by expert bodies judged against internationally negotiated Conventions to which states have voluntarily acceded may in some circumstances be less problematic than monitoring by individual governments or NGOs in constructively engaging regimes where there are serious abuses. The principle of holding States accountable for non-compliance with their treaty obligations on the basis of an objective and constructive dialogue with inputs from all interested parties has been vindicated in practice.

Canada is at the forefront of efforts to enhance the work of the six primary human rights treaty bodies. These instruments address both civil and political rights and economic, social and cultural rights. They also consider torture, racial discrimination, women's rights and the rights of the child.

However, it is widely recognised that the treaty system is increasingly unable to keep pace with the growing demands placed upon it. While the number of ratifications has grown - indeed only two countries have not ratified the Convention on the Rights of the Child - almost one third of all states are not parties to the international covenants, and almost half are not party to the Convention against Torture. Moreover, there is a large backlog of states that have not prepared reports on their treaty implementation while other states experience lengthy delays between the submission and examination of their reports. Finally, the number of communications being processed under the various complaints procedures has increased greatly but the backlogs are unacceptably high.

However, the resources available to service this expansion of demands on the human rights treaty system have contracted rather than grown. In short, the present system is unsustainable and reforms will be required if the treaty bodies are to remain effective.

In this environment, Canada is working with like-minded states and independent experts to examine ways to streamline and modernize the treaty system. Among the suggestions for reform

which will be considered for adoption by the 53rd UN General assembly is a proposal that treaty bodies examine a limited range of issues that are particularly pertinent to current human rights problems of the State Party that is called on to prepare a report.

New Institutions to Address Impunity. Reconciliation and a durable peace in countries emerging from internal conflicts will not be achieved without justice. However, when national judicial systems cannot or will not function effectively, crimes against humanity must be resolved in an international setting. Canada was thus an active player in the establishment by the UN Security Council of an International Criminal Tribunal for the former Yugoslavia and for Rwanda. These *ad hoc* mechanisms are designed to prosecute individuals alleged to have committed serious violations of international humanitarian law, including war crimes, crimes against humanity and genocide.

Canada has provided more than $1 million to each Tribunal. A Canadian, Justice Louise Arbour, is the Chief Prosecutor for both Tribunals. Canada has consistently advocated a more active stance by the international community in the apprehension of indicted war crimes suspects.

The establishment of the Ad-Hoc Tribunals provide proof that the international community is ready to act on crimes against humanity. Nevertheless, the Tribunals are only a partial solution because their establishment by the Security Council leaves them open to the criticism that they cannot be fully impartial or independent. Moreover, each Tribunal may operate on the basis of different constitutive principles and potentially inconsistent decisions.

To overcome these limitations, Canada has been at the forefront of efforts to establish an International Criminal Court (ICC) with the jurisdiction to try those accused of the most serious crimes, such as war crimes, crimes against humanity and genocide. Canada has hosted an experts meeting on the subject, used diplomacy to extend the number of countries supporting an ICC, and provided financial assistance to developing country delegations attending the ICC PrepCom meetings.

The ICC has the potential to become the key international mechanism in the struggle against impunity helping to deter would-be human rights abusers. The ICC will promote international peace and security, help to redress gross injustices and speak to the needs of the victims of human rights abuses worldwide.

Canada is committed to ensuring adequate financial and human resources for the ICC. The Government will also make every effort to ensure that an independent ICC has jurisdiction over both international and internal conflicts and that the definition of the crimes under its jurisdiction includes specific references to women's human rights within the scope of war crimes, crimes against humanity and gencoide. Finally, the Government is also committed to developing domestic legislation permitting the extradition of indicted war crimes suspects to the Ad Hoc Tribunals and to the proposed ICC.

New Regional Mechanisms for Human Rights. Canada was instrumental in establishing a Unit for the Promotion of Democracy at the Organization of American States and our support for good governance activities in the Commonwealth and La Francophonie. In this regard, Canada will explore with like-minded nations the feasibility of establishing a National Minorities Commissioner for Africa under the auspices of the Organization of African Unity. Such an institution with independent powers of investigation similar to those of the Organization for security and Cooperation in Europe (OSCE) National Minorities Commissioner could play a useful role in preventive diplomacy in Africa.

PART D POLICY IMPLEMENTATION

1. Specific Measures to Enhance the Protection of Human Rights in the World

The Government recognizes that a broad and flexible approach is required to achieve a coherent human rights policy. Achieving greater policy coherence does not imply uniformity, however. Canadian responses must continue to reflect the particular and evolving characteristics of each situation and the differing potentials for effective action.

The Government will implement its human rights objectives in the context of the opportunities and constraints derived from our technical capacities, resources and leverage, our membership in influential international forums, the severity and persistence of abuses, a government's relative commitment to human rights, the quality of our dialogue and engagement with certain countries, and the disposition of key allies or affected neighbouring states.

Our policy is guided above all by pragmatism, albeit a principled pragmatism where we try to determine the practical steps that will lead to durable improvements in human rights. Our specific human rights actions must also take into account the potential impact on three pillars of our foreign policy. These are the promotion of prosperity, peace and security, and Canadian values.

Canada's human rights strategy is built around four themes. These are:

- a disciplined approach to standard-setting and implementation;
- a systematic approach to building human rights institutions and practices at the national, regional and global levels;
- knowledge-partnerships and human rights education; and
- the refinement and application of diplomatic tools in a pragmatic, problem-solving approach to concrete human rights situations.

Human Rights Education. Information and knowledge are indispensable to the effective enjoyment of human rights worldwide. The radio, facsimile and Internet are potent tools to circumvent the suppression of information and opinion at the heart of human rights abuses. The Government will identify and support synergies between Canada's strengths in such technical domains as distance education and information and communication technologies and the

promotion and defence of human rights. Specific initiatives include strengthening free media, technical assistance to strengthen the quality and reliability of human rights monitoring NGOs, academic colloquiums on human values in diverse cultural settings, promoting human rights networks, and human rights education for disadvantaged groups, in school curricula and with groups such as the police and military that frequently violate human rights.

In a broader context, Canada's strategic advantage in the 21st century will be influenced by our capacity to build effective knowledge partnerships. As emerging economies challenge or overtake our place among the world's leading economies, the "soft power" of intellectual and functional leadership will be key to maintaining our global reach and influence in the 21st century. Our immediate challenge is to build the institutional arrangements for such knowledge partnerships. A taskforce led by Maurice Strong identified human rights, democracy and good governance is an area of comparative advantage in the knowledge partnerships that will mark Canada's international cooperation in the 21st century.

Following is an indicative list of human rights actions in a multilateral and bilateral setting. The lexicon ranges from quiet diplomacy to economic measures and from constructive engagement with countries willing to enter into dialogue, to diplomatic, trade and other forms of pressure where intransigent governments are unwilling to discuss persistent, gross and systematic human rights violations. With regard to the most serious human rights situations, Canada frequently has a multifaceted approach, deploying both multilateral bilateral initiatives. Our evolving policies towards Nigeria, Burma (Myanmar) and Cuba are informative in this regard.

1.1 Multilateral Standard Setting and Implementation. Standard-setting has been one of the great achievements of the UN system. Standard-setting is a central element of a long-range human rights strategy because it establishes the ground rules, and lays down minimum standards of performance enabling citizens, non-governmental organizations and the international community to hold governments accountable.

Canada has invested substantially in establishing multilateral human rights standards. We have been at the forefront of new human rights instruments, such as the Convention on the Rights of the Child and a Rapporteur on Violence Against Women. The Government's efforts through the Ottawa Process towards a global ban on land mines is also a contribution to the protection of innocent civilians and children, ensuring, in the words of the Universal Declaration of Human Rights, that "everyone has the rights to life, liberty and security of the person."

Canada is engaged in a variety of drafting exercises affecting the rights of indigenous peoples, women, children and workers. At the UN, these exercises include the drafting of an Optional Protocol for the Covenant on Economic, Social and Cultural Rights (SCR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and Declarations on the Rights of Indigenous Peoples and the Rights of Human Rights Defenders. In the context of our membership of the Organization of American States, the Government also intends to work expeditiously with the provinces to ensure that Canada ratifies the Inter-American Human Rights

Convention and associated instruments.

A key standard-setting challenge is to remedy the absence of any regional human rights mechanism in Asia, a region emerging as the pivot of the world economy and with a diversity of political traditions, levels of development and safeguards of fundamental freedoms. The diverse cultural, historical and political traditions do not necessarily pose an impediment to regional cooperation on human rights. Diversity may indeed be an asset.

As a long-term goal, Canada will build on its bilateral dialogues on human values with countries such as Indonesia and China, to examine the constraints and opportunities of an Asia-Pacific human rights arrangement to complement national institutions and to parallel the closer regional economic linkages in such forums as the APEC.

The Government is particularly encouraged by the growing number of effective and independent national human rights institutions in the Asia-Pacific region. Canada supports the fledgling Asia-Pacific Forum of National Human Rights Institutions which met recently in Delhi. This regional dialogue to develop a common set of standards based on the Paris Principles is a promising approach to building a common human rights language that may contribute to the establishment of an Asia-Pacific human rights arrangement. The Forum's willingness to welcome both observer governments and NGOs underscores its potential as a site of regional consultation and consensus building.

Recent regional dialogues among Asian countries also point towards greater regional dialogue on human security issues, notably in a willingness to discuss internal political situations as in the case of Burma and Cambodia. In this regard, the post-ministerial conferences of the security-focussed ASEAN Regional Forum may be a useful occasion in which to develop consultations on human security issues, such as workers' equity, the status of national minorities and other human rights issues.

The Government, however, also recognizes that the international community may be reaching the limits of tolerance for new human rights instruments. There are risks in downgrading the vocabulary of human rights by a further proliferation of vague and ill-considered standards. Accordingly, before signing Canada will assess whether the current drafting exercises will yield justiciable law coupled with adequate implementation machinery. The Government will also weigh the capacity of domestic jurisdictions to respond to the additional reporting burdens by the proposed individual complaints procedures in several of the current drafting exercises. A problem posed by individual complaints procedures is whether they can be adjudicated for social and economic rights that call for progressive implementation rather than immediate state obligations.

In this regard, Canada will support further study by legal scholars and UN Specialized Agencies to develop operational benchmarks and indicators that give meaning to the SCR covenant and to the CEDAW. Canada believes that a key challenge in the 21st century is to shift from standard-setting to treaty implementation. Given the evident overload of several treaty-based monitoring

bodies, Canada will continue to work with like-minded countries to enhance the efficiency and effectiveness of the human rights treaties and address the problem of reservations and non-compliance.

The Government of Canada places particular attention on strengthening the multilateral framework to promote and protect **the human rights of children and women.** Canada has led efforts to mainstream women's rights in the UN system, notably in development cooperation, but also increasingly in such areas as monitoring and attempting to reduce violence against women.

Children are particularly vulnerable to exploitation and infringements of their human rights. Millions of children worldwide are compelled to work in exploitative situations, fight in wars, or are forced into slavery or prostitution. Some are arbitrarily arrested and abused. Many of them disappear without trace and many others suffer the consequences of neglect and physical or emotional abuse. Canada has played an important role in developing global standards to defend and promote the rights of children, including the Convention on the Rights of the Child and the Stockholm Declaration and Agenda for Action of the World Congress Against Sexual Exploitation of Children.

Canada is working on a number of international fronts to draft new international standards to protect children. This includes an Optional Protocol to the Child Convention on the sale of children, child prostitution, and child pornography, an Optional Protocol on children in armed conflicts, and a new ILO convention on the most intolerable forms of child labour. Canada has also provided funds enabling the ILO's International Programme on the Elimination of Child Labour (IPEC) to identify and disseminate the best national practices for reducing exploitative child labour practices and providing more opportunities for such children to lead more socially productive lives.

1.2 Multilateral Diplomacy.

1.2.1 Declarations and Resolutions. Canada has used its influence in a variety of international organizations to deepen commitments to human rights or to protest specific violations. In the Commonwealth, Canada played a key role in ensuring that human rights and democratic values took a prominent place in the Harare Declaration of the 1991 Heads of Government Meeting. Canada has made similar efforts in La Francophonie. At the Organization of American States Canada spearheaded and has substantially funded a Unit for the Promotion of Democracy to monitor elections and strengthen democratic institutions. In 1991, Canada was at the forefront of a regional security proposal known as the "Santiago Commitment to Democracy." The declaration committed OAS member states to "adopt efficacious, timely, and expeditious procedures to ensure the promotion and defence of representative democracy." The Santiago Commitment created a more enabling environment for collective security and was invoked in response to democratic reversals in Haiti and Peru.

Each of these multilateral declarations has led to practical programmes to promote human rights and good governance. They also add legitimacy to Canadian leadership within each of these international organizations on concrete human rights cases.

At the United Nations, Canada addresses human rights in the General Assembly, the Human Rights Committee and the Commission on Human Rights. Canada's UN diplomacy advances two human rights objectives. First, our actions at the UN helps mobilize international opinion and keeps up the pressure for change on individual governments. Second, resolutions frequently include the provision of special rapporteurs and other fact-finding mechanisms to monitor trends in human rights performance. The Government of Canada will maintain its efforts in these UN forums, while recognizing the constraints imposed by a trend towards bloc voting, as well as the inadequate resources of rapporteurs, and the ability of some influential states to prevent resolutions from passing.

Canada helped establish a UN High Commissioner for Human Rights to ensure that the UN has a central human rights authority. The High Commissioner enters into dialogue with governments at her own initiative and is mandated to further improve the coordination of human rights within the scope of the UN system. Canada welcomes the appointment of Mary Robinson as High Commissioner and endorses her commitment to ensure that human rights are a cross-cutting theme in all facets of the UN system. The Government will explore with the High Commissioner opportunities to strengthen the UN systems's capacities to monitor the human rights of national minorities and respond to the plight of internally displaced populations.

1.2.2 The Role of the Security Council. The Security Council is the pre-eminent UN forum in matters of international peace and security. In recent years, the Council has broadened its scope to reflect the changing nature of conflict in the world. It is now more prepared to debate and act on issues such as humanitarian emergencies and the spill-over effects of arms flows and refugee flows associated with internal conflicts . While such features as the veto, restricted membership and limited transparency are obstacles to drawing on the Security Council as a regular tool of human rights diplomacy, several recent developments underscore that human rights issues can be promoted by the Security Council on a select basis. Canada, for example, supported the Security Council decision to establish the international criminal tribunal for Rwanda and the former-Yugoslavia. The Council has also addressed human rights in peacekeeping operations, such as the provision of police monitors in the former Yugoslavia and in peacebuilding efforts in Cambodia and Liberia.

Canada has applied for a new term on the Security Council. In the light of our substantial peacekeeping commitments worldwide, the Government intends to vigorously advocate that troop-contributing countries attend and inform the Security Council deliberations on humanitarian emergencies. Canada will also continue to support opportunities for credible Canadian and international non-governmental organizations with field operations and local human rights intelligence to present their views to the Security Council in any debates on non-military threats to peace and security. Security Council decisions to invite a panel of NGOs to present information

regarding the situation in Eastern Zaire, and of individual member states to receive NGO briefings on an informal basis, are welcome developments. Finally, as a contribution to early warning and preventive diplomacy, Canada will advocate regularly scheduled reports to be considered by the Security Council on certain "watch" countries where there are potential threats to regional or international peace and security.

1.2.3. The Role of the Group of Seven Most Industrialized Countries - G7. Canada's membership in the G7 is an opportunity to raise or consider specific human rights, democracy and good governance issues in an influential forum. For example, in the aftermath of the Tiananmen Square killings, the G7 called on the World Bank and Asian Development Bank to freeze new lending to China and called on the Chinese authorities "to create conditions which will avoid their isolation and provide for a return to cooperation based upon a resumption of movement towards political and economic reform, and openness."

At the 1997 Denver Summit's meeting of Foreign Ministers, Canada led the discussion on Burma which culminated in a statement calling on the recently renamed State Peace and Development Council (SPADC) "to enter into meaningful dialogue with leaders of the democratic opposition and with ethnic minorities." The foreign ministers also called on ASEAN leaders to use their influence to encourage a return democracy in Myanmar and underlined that the international community holds the SPADC "accountable" for the safety of Aung San Suu Kyi.

1.2.4 Contact Groups. In extreme human rights situations where illegal regimes resist international efforts to promote and defend human rights, Canada has led efforts to establish contact groups consisting of a small coalition of countries that regularly engage the leaders of an illegal regime or military junta. In the case of Nigeria, Canada has participated in a Commonwealth Ministers Action Group (CMAG) consisting of eight commonwealth countries, set benchmarks for improvements and conducted on-site visits. Similar Canadian efforts to induce the Burmese authorities to participate in a contact group have not so far proved successful. Finally, Canada participated in a contact group with France, Venezuela and other countries during the final phase of the military junta in Haiti.

1.2.5. Special Representatives or Envoys. In other problematic or extreme situations, Canada has supported the use of Special Representatives of the UN Secretary General, as in the case of Eastern Zaire, or has appointed a Special Envoy, as in the case of Nigeria. These tools of preventive diplomacy are opportunities for fact-finding, dialogue and mediation, or to assure the security of peacekeeping or humanitarian relief during an armed conflict.

1.2.6 International Financial Institutions (IFIs). The IFIs, such as the International Monetary Fund, the World Bank and the regional development banks do not have legal mandates to directly consider human rights issues. However, Canada has encouraged the IFIs to incorporate governance considerations in their policies and programs. Experience shows that development programmes and macro-economic reforms may not succeed without an enabling environment of effective and accountable state institutions, and a predictable legal framework. A similar concern

with the efficiency and effectiveness of development cooperation is reflected in the Government's support for work at the IMF and World Bank examining the relationship between excessive military spending and social sector investments.

Several IFIs now address governance considerations in operational guidelines to ensure that the intended beneficiaries participate in the design of development interventions, that the rights of populations facing resettlement are safeguarded during the construction of major infrastructure projects, or that there are independent mechanisms to adjudicate complaints by communities adversely affected by large development projects.

The charter of a relatively new international financial institution, the European Bank for Reconstruction and Development (EBRD), has explicitly acknowledged the intertwining of political and economic reform. The EBRD will "foster the transition toward open market economies in Central and Eastern Europe committed to applying the principles of multiparty democracy, pluralism and market economics." As a member of EBRD's board of governors, Canada and other lender countries, "may postpone, restrict or suspend [EBRD's] operations" if a borrowing country is "implementing policies that are inconsistent with the Bank's purpose." EBRD is thus bound by its charter to pay attention to the human rights and governance dimensions of its lending policies and operations. These charter principles have recently been invoked in the EBRD's policies towards Belarus, for example.

There are signs that other IFIs are slowly moving in this direction. A diversity of political systems did not constrain the adoption by all members of the Asian Development Bank of an official policy on governance. Encouraged by this development, the Government of Canada intends to advocate official governance policies by other international financial institutions and a greater investment in programmes that enhance the legal framework for development, engage civil society groups and promote more participatory development processes. .

*1.3. **Bilateral Diplomacy and Policy Approaches.*** Human rights are a legitimate and threshold issue in our bilateral relations. While each human rights situation is unique and calls for a case-by-case approach, in circumstances where constructive dialogue is not possible or not working, the Government will examine other ways to signal its concerns. This may require moving from quiet to more public diplomacy, by drawing on further bilateral approaches, including economic measures, or by reducing normal diplomatic relations. In this regard, the Government will review its legislative machinery on special economic measures and immigration and refugees as tools in our diplomacy towards offending regimes.

1.3.1. Quiet diplomacy is a very useful tool of pragmatic, problem solving in circumstances where a more public approach may threaten lives or reduce the likelihood of immediate change. It is also useful in sensitive cases, such as the release of individual political prisoners, obtaining an exit visa for a human rights advocate and enabling family reunification. While such actions may not always contribute to long-term change they make a difference to individual lives. Quiet diplomacy is also often essential in assisting parties to a conflict to work towards a settlement. It

can also help guarantee the human rights of civilians or permit safe havens or corridors of safe passage for humanitarian assistance in war-torn societies. Experience suggests that the closer the relationship between Canada and a government the more likely these representations will succeed.

1.3.2. Public Statements and Demarches. Where quiet diplomacy is ineffective or where it is necessary for Canada to distance itself from a government's actions, diplomacy becomes more public through statements by senior officials, or by attending political trials, funerals of dissidents or public rallies in support of pluralism. During the last stages of apartheid in South Africa, Canadian diplomats were visible as witnesses supporting the marginalized and oppressed.

Demarches are formal diplomatic protests registered with a host government, usually regarding specific human rights atrocities or evidence of a deterioration in a government's willingness to safeguard human rights. To leverage its influence, Canada often undertakes such demarches with like-minded governments.

1.3.3. Policy Dialogue and Constructive Engagement. Canada's primary human rights approach is engagement. Experience shows that a pragmatic, flexible and constructive style of diplomacy can make a difference in our relations with countries that are prepared to make commitments towards improving human rights. We prefer to talk with people not at them.

Pursuing a policy of constructive engagement requires a long-term perspective. It also requires realism about the prospects for incremental improvements, a multifaceted approach, and the disciplined use of government-to-government dialogue (both bilateral and multilateral) and people-to-people exchanges, wherever feasible. Dialogue, seminars, and exchanges are often effective confidence-building measures. Senior officials of the Government of Canada will also raise human rights concerns privately at every opportunity, including trade missions.

Maintaining diplomatic relations in countries where human rights are rapidly deteriorating strengthens the Government's capacity to craft effective policies in step with changing circumstances. There is no substitute for a day-to-day knowledge of local events and the activities of key stakeholders. Effective human rights policies are much more difficult to craft at a distance when government-to-government and people-to-people linkages are limited (as in Afghanistan) or reduced or suspended (as in Burma). A policy of critical engagement allows Canada to maintain opportunities for influencing change.

Canada's actions in the final decade of apartheid in South Africa illustrate an effective policy of constructive engagement in a dynamic, unpredictable setting. The human rights objective was to end apartheid. The means employed included leadership in the Commonwealth to establish benchmarks for change, Canadian participation in an Eminent Persons Groups to create a climate conducive to national reconciliation and negotiation, deepening Canadian government and NGO linkages with the democratic opposition and with civil society organizations, technical assistance to the ANC to prepare a macro-economic strategy for a future non-racial government, imposing and removing selective economic and cultural sanctions in step with actions by the Government of

South Africa, participation in arms and oil embargoes, and linking new development loans to agreements between the contending political forces on a new democratic constitution.

While each human rights situation is unique, certain combinations of indicators may in specific cases signify improvements in human rights and can be used as potential benchmarks for a policy of constructive engagement. Depending on specific bilateral relations, these benchmarks could include:

releasing political prisoners
accepting visits by UN rapporteurs and credible NGOs, such as ICRC
terminating a state of emergency
lifting a ban and beginning dialogue with the democratic opposition
dialogue with ethnic minorities
accession to international human rights instruments
technical cooperation to meet human rights treaty obligations
scholarly or technical exchanges on legal systems or social values
technical cooperation to develop national human rights institutions or prepare for elections
exchanges of government human rights officials
a timetable for constitutional reform or free and fair elections
legal reforms or reduced restrictions enabling freedom of association, assembly & opinion
development cooperation activities in "restricted areas" or with minority groups.

Canada's dialogue with China on human rights is enabling new bilateral initiatives. Several CIDA programs address good governance issues in China. Moreover, the Canada-China Joint Committee on Human Rights is providing opportunities to address potential Chinese accession to the UN human rights covenants. In this regard, China's recent accession to the International Covenant on Economic, Social and Cultural Rights is welcome. And Canada looks forward to China's eventual accession to the civil and political covenant. The Joint Committee will also address religious freedom and the treatment of national minorities. And Canada will share its experiences in removing barriers to systemic discrimination. It is noteworthy that Canada's interests in the rights of children and women are an entry point for dialogue and action in countries which generally regard human rights as a significant irritant in bilateral relations.

Canada has enjoyed a longstanding and uninterrupted relationship with Cuba since 1945. This environment of mutual confidence and respect is the cornerstone of the Government's policy of constructive engagement with Cuba. And it has enabled progress towards new initiatives in the bilateral relationship, including cooperation in the area of the administration of justice, exchanges between the House of Commons and the National Assembly, and deepening dialogue on human rights through seminars, exchanges of officials, professionals and experts, as well as sharing experiences on the work of the UN Specialized Agencies.

1.3.4. Bilateral Trade Approaches. A proactive approach is required to demonstrate the complementarity between our trade and human rights objectives and to protect our bilateral trade initiatives from media criticism or distortion. In the development of future "Team Canada" and other high profile trade missions, the Government will work with host countries to ensure a greater diversity of Canadian participation to include organized labour and civil society organizations as well as business representatives. The Government has an opportunity to strengthen the dialogue and linkages among Canadian business, labour and NGOs, by addressing issues of corporate social responsibility in our bilateral economic relations. Moreover, the non-profit sector is a significant proportion of the labour market and domestic product both in Canada and in countries with which we trade. In this regard, the Government will examine ways to enhance the market opportunities of the Canadian non-profit sector by facilitating linkages with business and philanthropic communities abroad.

1.3.5. Development Cooperation and Institutional Development. Development cooperation is a visible, concrete and practical expression of Canada's efforts to promote human rights worldwide. In 1995-96, the Canadian International Development Agency (CIDA) disbursed $47 million to 426 active human rights and democracy projects and made new commitments of $66 million to a further 279 projects. It is especially encouraging to note the rapid increase in CIDA's human rights and governance programming in Asia.

Support for institutional development is the primary means through which the Government assists countries to strengthen or establish human rights and democratic institutions. Such institutions are the building blocks of a durable, national human rights culture. A primary inspiration for this activity is the recognition that international treaties and domestic laws are necessary but insufficient guarantees for human rights. To safeguard human rights in the real word, there must be well managed, independent and effective institutions that translate legal commitments into reality and provide opportunities for citizens to strengthen their political voice, make claims, seek redress, and hold governments more accountable.

The central challenge of development is the expansion of human capabilities and social opportunities. Poverty constricts real human opportunities. That is why the Government has pledged to ensure that one quarter of Canada's aid dollars are invested in activities that promote the basic human needs and social and economic entitlements of the most disadvantaged communities and groups.

Child labour has emerged as a special concern of Canadians. In reality, children's work must be situated along a spectrum from exploitative work to beneficial work which can enhance a child's development without interfering with schooling, recreation or rest. Canada's approach to child labour is to identify and seek remedies to situations of exploitative labour which contravene the UN Convention on the Rights of the Child. The Government regards sanctions, boycotts and other forms of international pressure against producers and governments as blunt and often ineffective measures that may actually harm rather than help the children involved.

Long-term solutions to exploitative forms of child labour must also address the root causes of such phenomena. Most of the world's child labourers are not in export industries but in the informal sector far from the reach of official inspectors, aid agencies and the media. Poverty, inadequate social sector spending, and the absence of a durable system of social security are disabling influences prompting many families to withdraw children from school or to rely on child labour as a source of family support. The single most effective way to stem the flow of children into abusive forms of employment is to extend and improve educational opportunities.

However, realizing the right to basic education is a matter of political will. That is why, in addition to our direct programmes in support of children and other marginalized groups, the Government attaches considerable importance to policy dialogue with countries receiving development assistance on such issues as the balance between military and social sector spending, including education. Canada is also active at the international financial institutions (IFIs) in calling for social safety nets and social sector spending for those communities most adversely affected by economic stabilization and adjustment programmes.

Promoting the rights of children are prominent features of the programmes and policies of the Canadian International Development Agency (CIA). In 1994/95, there were 131 projects within CIDA's bilateral program with direct or indirect impact on children's rights, in such areas as maternal and child health, immunization, basic education, nutrition, food aid, water supply and sanitation. CIDA also supports urgent interventions in support of children trapped in the midst of armed conflict, sexual exploitation, and life on the street. CIDA's new ***Strategy for Children*** supports initiatives to:

- increase public awareness of children's rights issues, including obligations under the Children's Convention;

- strengthen the legislative framework for the protection of children's rights; and

- build the capacity of key institutions, with a responsibility for children' well-being, including the justice system and civil society organizations.

- enhance children's health through primary health care, immunization to reduce nutrition deficiencies, and support health promotion and education.

- expand access to basic education and reducing inequality between boys and girls.

- protect children from abuse, exploitation and violence, through such actions as revising and implementing policies, laws and regulations and providing direct support to children in need.

Current knowledge about the situation and needs of children, and the varieties of childhoods across cultures has been compared to the limited knowledge base on women and gender in the

development practice of the 1970s. While the state of the art of what can be broadly called a children in development approach is still in its infancy, experience shows that many projects are more effective when designed in the larger context of the well-being of families and communities.

Beyond the creation of direct support to redress the needs of children facing abuse, exploitation and violence, CIDA is committed to integrating the needs and interests of children into all its development interventions. While the Children's Convention must be interpreted with care in designing interventions that are adapted to varying cultural contexts, a rights-based approach to children in development implies a sea change in thinking about children not as passive and dependent minors but as active subjects with capabilities and entitlements.

CIDA is a key player in designing, funding and monitoring the impact of Canada's institution-building partnerships. CIDA seeks to enhance the role and capacity of civil society organizations, democratic institutions that underpin responsible governments, the competence and accountability of the public sector, and the will of leaders to respect rights, rule democratically and govern effectively. CIDA and other Canadian institutions share our experiences and approaches but do not seek to export particular practices. Canadian institutions work in partnership with those who are locally best placed to achieve change.

Canada's democratic and human rights experience is in high demand worldwide. CIDA's investments in human rights, democratic development and good governance programs have thus been rising steadily and now stand at approximately CAD 47 million per annum. To advance our institution-building objectives, the Government supports or has established independent Canadian institutions that are leaders in their areas of expertise. These include Elections Canada, the Canadian Human Rights Commission, the Pearson International Peacekeeping Training Centre, and the International Centre for Human Rights and Democratic Development. For example, the Canadian Human Rights Commission works bilaterally with other governments to support fledgling national human rights institutions in Indonesia, India, South Africa, Bangladesh and Mexico. CHRC is also active in multilateral efforts to establish global standards for the development of national human rights institutions, notably in the Asia-Pacific region.

Elections Canada has undertaken some 300 election support or observing missions in 75 countries, and has played a key role in designing the administrative framework for free and fair elections in some of the most sensitive elections worldwide. These include Bosnia-Hercogovina, South Africa, Cambodia, Haiti and Namibia. Issues of peace and security or democratic transition featured in each of these cases. Elections Canada is also active multilaterally, working with non-governmental and international electoral organizations.

Two other Canadian strengths are legal technical assistance, and local and municipal governance. For example, as South Africa manages a fragile transition from apartheid to a non-racial democracy, Canada has re-established strong bilateral ties by supporting the restructuring and reform of government and public sector institutions at the federal, provincial and local levels. Canada's Charter of Rights and Freedoms and the South African Bill of Rights share many

similarities, and Canadian legal experts have shared their experiences with their South African counterparts on processes for consultative constitutional reform. An important objective of our development cooperation with South Africa is to support more open and accountable government and help enshrine democratic rights, freedoms and values in the institutions, legal framework and practice of governance.

Canada's wealth of experience in human rights, democratic development and good governance, are a genuine source of advantage in the knowledge-driven partnerships that will increasingly characterize international cooperation in the 21st century. In this regard, the Government will further invest in the development of Canadian programming capacities in the field of human rights, democratic development and good governance, including ensuring that Canadian expertise can access the growing opportunities for governance and legal assistance programs at the IFIs.

1.4. Addressing Extreme Situations and Human Rights Emergencies..

Constructive dialogue is Canada's *modus operandi* in the field of human rights. However, other standards and approaches may apply in extreme situations where there are gross, persistent and systematic human rights abuses, and where engagement and persuasion has made no visible human rights improvement. The Government of Canada holds the view that fundamental rights to life and the physical security of the person against such abuses as torture, political killings, and disappearances, cannot be derogated from in any circumstances, including national emergencies.

1.4.1. A number of **diplomatic measures** may be used to signal Canada's concerns and avoid complicity with a brutal leadership. These include temporarily recalling an ambassador, suspending cultural contacts and high-level meetings, downgrading trade missions, suspending military training, recalling a military attache, or temporarily suspending diplomatic relations. Our immigration and refugee policies may also play a role either to grant temporary or longer-term asylum individuals, or by restricting the movement of known human rights abusers or leaders of illegal regimes to prevent them from entering Canada.

1.4.2. The Government may consider the use of a variety of **economic measures** to induce governments to improve human rights and avoid complicity with an illegal or repressive regime. The specific measures include trade restrictions, arms sales embargoes, the removal of the General Preferential Tarrif for imports, freezing assets held by an illegal leadership, support for the suspension of loans and credits from international financial institutions, suspending official export credits or linking their approval to human rights improvements

1.4.3. Canadians want to see their development dollars go to countries that respect human rights and democratic governance. Human rights and democratic governance are legitimate development funding criteria. The Government may thus take **development cooperation measures** to alter the volume and channels of our bilateral aid in countries where there are extreme human rights problems or concern that aid may be diverted for non-developmental purposes. Clearly anti-democratic actions, such as a military coup, a violent or fraudulent

election, or a crackdown on civil society and suspension of democratic institutions may require Canada to adjust its development cooperation.

Before deciding to take further action, Canada will take steps to avoid hurting even more those who are suffering abuses and whom we are trying help. To the extent possible, the Government implements such development cooperation measures in concert with other donor countries. The annual Consultative Group meetings where donors and individual developing countries agree on financial support packages are useful forums for dialogue with governments where there are serious human rights and governance concerns. Canada has reduced, suspended or modified its development cooperation on human rights or governance considerations in several developing countries, including Haiti, Rwanda, Nigeria, Burma, Kenya, Peru, Indonesia, and China. Where government-to-government assistance is not appropriate, Canada strengthens its support to non-governmental organizations and ensures that humanitarian assistance reaches vulnerable groups.

1.4.4. Our evolving policies towards Nigeria and Burma (Myanmar) illustrate steps Canada has taken to signal our concerns in countries with very poor or rapidly deteriorating human rights and with regimes that are not willing to engage in constructive dialogue. In the case of **Burma**, Canada has joined the United States and European Union in taking further economic measures to induce the ruling junta to take meaningful steps towards reform and dialogue with the national democratic opposition and the international community. They include withdrawing Burma's General Preferential Tarrif eligibility and placing Burma on the Area Control List, which requires all Canadian exporters to obtain an export permit. These new measures supplement the suspension of all bilateral aid, the termination of military sales, the suspension of diplomatic and commercial presence in Burma, and the suspension of support for Canadian firms doing business in Burma, including export support programs and commercial promotion. Humanitarian and medical supplies, however, are exempted from these economic measures. In addition, Canada has condemned the present junta's human rights record in UN forums and continues to support the suspension of new loans from international financial institutions, such as the World Bank and the Asian Development Bank.

In the case of **Nigeria**, Canada has been at the forefront of multilateral efforts, through the Commonwealth and the UN, to encourage the Nigerian authorities to restore democracy. Canada has supported Nigeria's suspension from the Commonwealth and participated in the Commonwealth Ministerial Action Group (CMAG). In view of the unwillingness of the current Nigerian leadership to release political prisoners or take meaningful steps to improve human rights, the Government has imposed selective economic measures, including restrictions on arms sales and the suspension of support for firms doing business in Nigeria. Canada has also suspended government-to-government aid and supported the suspension of new lending to Nigeria by the international financial institutions. At the CMAG meeting in Edinburgh later this year, Canada will consult with other Commonwealth countries regarding Nigeria's status within the Commonwealth. Canada has also appointed a Special Envoy to Nigeria in an effort to improve dialogue. In this regard, Canada will follow carefully the process leading to state and presidential elections.

*1.5. **Human Rights and International Peace and Security.*** The promotion of political stability and social cohesion is at the heart of Canada's foreign policy. Half of the world's low income economies are experiencing or have just emerged from serious conflicts. More than 70 countries are affected by 28 major and 100 minor conflicts. Violent conflict reinforces social division, reverses economic progress, triggers human rights abuses, and displaces populations. Civilians are now ten times more likely than soldiers to be the victims of such conflicts. Human rights are indispensable in Canada's search for peace within and among nations.

Peacebuilding is a key policy objective at the intersection of Canada's human rights and peace and security interests. Peacebuilding is the effort to strengthen the prospects for internal peace and decrease the likelihood of violent conflict. The overarching goal of peacebuilding is to enhance the capacity of indigenous populations to manage conflict without violence. Ultimately peacebuilding activities contribute to human security.

At the 1996 UN General Assembly, Canada announced a Peacebuilding Initaitve to assist countries in conflict to promote peace and stability, and to promote Canadian peacebuilding capacities. The Government has established two distinctive mechanisms to manage our peacebuilding activities. The first is a $1 million Canadian Peacebuilding Program which supports a national network of NGOs active in peacebuilding, and a human rights "roster" to identify and rapidly deploy human rights monitors to conflict zones. The roster will be administered by CANADEM, an institution at arms-length from government that will develop a stand-by data base of Canadian human rights and democracy experts available at short notice to UN and other humanitarian missions.

The second innovation is a Peacebuilding Fund of $10 million which is managed by CIDA. One example of the use of this fund is financial support for an investigation into past human rights abuses in Guatemala. Our current peacebuilding efforts focus on the Great Lakes region of Africa, Central America, Cambodia and Haiti.

Deeply rooted social conflicts do not follow easily predictable cycles or patterns. Flexibility in approach, preparedness and a high-level of inter-agency coordination are essential to ensure successful peacebuilding outcomes.

Elections are an important marker of the prospects that countries emerging from war or authoritarian rule will develop durable democratic systems. In turn, the presence or absence of key civil and political liberties, such free speech, free assembly and association, and freedom of movement are important markers of whether an election is free and fair. Electoral support is thus a particularly valued component of Canada's interventions in post-conflict reconstruction and peacebuilding. The Government will establish a roster of Canadian experts willing to assist in the administration or monitoring of elections.

Human rights also underpin and help determine the outcome of many peacebuilding initiatives. The Government is working with NGOs to assess Canadian capacities to implement Canada's

peacebuilding initiatives.

Human rights play a key role in the Peacebuilding Initiative. This is for three reasons. First, human rights are a very important component of conflict prevention, mediation and resolution. Second, human rights trends are a key diagnostic tool to signal early warning of emerging conflicts, identify vulnerable populations for humanitarian assistance during open conflict, and assess trends towards peace and stability or democratic reversals in fragile periods of post-conflict reconstruction. Third, there are numerous credible international human rights organizations that systematically monitor human rights. Fourth, there are considerable opportunities for Canada to draw on its national human rights institutions and legal traditions and expertise to help reform national laws, enhance legal and judicial training, build or strengthen national human rights institutions, support legal aid clinics and civic education. By these and other practical means Canada can assist war-torn or conflict-prone societies build national human rights cultures, prevent or contain threats, and bolster international peace and security.

The Government will also invest in efforts to strengthen the human rights monitoring and programming capacities of Canadian NGOs that deliver aid during complex humanitarian emergencies. International NGOs did not play a role in conflict prevention or resolution before the Rwanda crisis. And the burden of delivering emergency assistance meant that NGOs lost an opportunity to use their local networks to track human rights abuses when they were needed. Investing in the human rights programming and monitoring capacities of aid delivery NGOs will enhance their contribution to the Canadian Peacebuilding Partnership.

1.6. Promoting Policy Coherence.

1.6.1. Coordination within the Government of Canada. One effect of the complexity and spillover of human rights, democracy and good governance issues into other foreign and public policy domains is that these concerns now affect the work of many Government departments, agencies, or para-statal organizations. Global social policy issues, such as human rights, underline the importance of coherence between our domestic and international policies. However the implementation of human rights policies is no longer a centralized function and responsibilities and capacities are dispersed across many government institutions. There is a trend towards inter-agency cooperation in such rights-related issues as peacekeeping and peacebuilding, and trade and labour standards.

The government institutions with some responsibilities for international human rights or good governance issues include the Departments of National Defence, Finance, Justice, Canadian Heritage, Human Resources Development Canada (HRDC), the Immigration and Refugee Board, and the Solicitor General's Office and RCMP. In addition to the key roles of the Department of Foreign Affairs and CIDA, some activities of publicly-funded but arms-length para-statal organizations, such as Elections Canada, the International Centre for Human Rights and Democratic Development, the Pearson International Peacekeeping Training Centre, and the Canadian Human Rights Commission, also address human rights or good governance issues.

The Department of Foreign Affairs and International Trade (DFAIT) which has **primary responsibility** for the development of Canada's international human rights policy is engaged in discussion and coordination with other departments. At an operational level there is regular consultation between DFAIT and CIDA. In the context of new mechanisms, such as the ***Peacebuilding Fund***, there is a joint responsibility approach between DFAIT, CIDA and the Department of Defence. There is some coordination among the Department of Justice, Foreign Affairs and Canadian Heritage regarding Canada's reports to various UN treaty bodies, and between Foreign Affairs and HRDC regarding Canadian actions and policies at the ILO. In other instances, coordination and consultation within the Government is at a more rudimentary level, although a recent Round Table organized by CIDA and the Department of Justice on legal technical assistance is exemplary of the dialogue required to strengthen inter-agency coordination.

It is the aim of the federal government to pursue a coherent foreign policy in all aspects of Canada's international relations. In this regard, the Department of Foreign Affairs on behalf of the portfolio Minister of Foreign Affairs will convene a national Round Table of the relevant federal (and provincial) government and para-statal structures. The purpose of the Round Table will be to achieve a common vision and overview of Canadian government activity in the field of international human rights, democratic development and good governance. The meeting will consider issues of policy coordination, information sharing, long-range thematic or country strategies, and ways to enhance the capacities of government or publicly-funded agencies to promote and defend human rights.

1.6.2 Consultations with Non-Governmental Organizations and Civil Society. Diplomacy has changed radically. Governments cannot presume to do everything themselves. To be effective, they must reach out and build partnerships with civil society to resolve global challenges. The Landmines Treaty signed in Ottawa in December 1997 is a testament to the potential of government/non-profit partnerships.

In Canada, as elsewhere, the general public, Parliament, media, civil society organizations and institutions of higher education and research have shown a growing interest in international human rights. Canadian and international NGOs with knowledge and experience in fields as diverse as de-mining and child labour are now an essential and valued part of the foreign policy landscape.

The government is committed to enabling Canadians to participate in foreign policy development. This serves not only to enhance government accountability and responsiveness but also to bring new ideas and approaches to the practice of diplomacy. Innovation often comes from civil society and those groups most affected by human rights abuses.

The Government has taken steps to strengthen citizen participation in foreign policy making. First, the Government has established institutions and forums that serve as public spaces for dialogue on Canada's foreign policies. They include the International Centre for Human rights and Democratic Development, the Canadian Centre for Foreign Policy Development, and the annual National

Forum on Canada's International Relations.

Canada is unique among the advanced industrial democracies in convening an annual consultation with NGOs prior preparing our positions at the UN Commission on Human Rights. Constructive criticism and exchanges of views play a vital role in the development of the Government's policies. However, the annual human rights consultations demonstrate a significant learning curve in the quality of dialogue between the Government and Canadian civil society organizations and common approaches on many human rights concerns. Moreover, in related policy fields such as peacebuilding and humanitarian emergencies, the Government relies on Canadian and international NGOs to help deliver assistance. This circumstance is leading to a joint management and problem-solving approach for some serious human rights situations.

In specific human rights emergencies, such as the events surrounding the killings in Tiananmen Square, the Government has convened a National Round Table involving all Canadian interests to assist in developing a credible response. In a multilateral setting, the Government has worked with Canadian NGOs and members of the G-77 group of developing countries to expand NGO access to the UN's ECOSOC which is responsible for social and economic development matters. Canada is also working to strengthen NGO access to the ILO and ensure NGO access to the 1998 Rome Conference examining arrangements for a proposed International Criminal Court. Finally, an important marker of the Government's efforts to enhance the credibility of human rights organizations worldwide is Canada's co-sponsorship with Norway of the Draft Declaration of the Rights of Human Rights Defenders.

1.6.3. Future Directions in Public Engagement

The Government has planned several activities in 1998 to mark the fiftieth anniversary of the Universal Declaration of Human Rights and the five year review of the Vienna Declaration and Program of Action. First, the Government will develop and publish a prototype annual report on the state of human rights worldwide, based on the findings of the UN's independent human rights mechanisms. Second, international human rights will be a policy theme at the 1998 National Forum on Canada's International Relations. Third, the Government will present a review of its human rights policies and programs to Parliament on International Human Rights Day on December 10, 1998. Fourth, the Canadian Centre for Foreign Policy Development will sponsor a Roundtable examining the use of the Internet and other information technologies to defend and promote human rights. Fifth, the Government will make every effort to ensure that the Human Rights Defenders Declaration is adopted in this 50th anniversary year of the UN Human Rights Declaration. Finally, the Government has prepared a review of its efforts within Canada to implement the Declaration and Program of Action of the 1993 World Conference on Human Rights. This review will contribute to an NGO conference on the impact of the 1993 Vienna Declaration.